Case 3:05-cv-02233-CRB Document 31 Filed 08/22/05 Page 1 of 8

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New York, NY 10016 Telephone: 212/983-9330		
Attorneys for Plaintiffs Knee	e and Galluscio	
	UNITED STATES	DISTRICT COURT
7	NORTHERN DISTRI	CT OF CALIFORNIA
	SAN FRANCIS	SCO DIVISION
STEPHEN KNEE, Derivativ		Civil Case No.: C05-02233 CRB
BROCADE COMMUNICA INC.,	TIONS SYSTEMS,	DERIVATIVE ACTION
VS.	Plaintiff,	AMENDED STIPULATION AND PROPOSED PRETRIAL ORDER NO. 1 CONSOLIDATING ALL
GREGORY L. REYES, et a	1.	RELATED SHAREHOLDER DERIVATIVE ACTIONS AND
	Defendants,	APPOINTING LEADERSHIP STRUCTURE FOR PLAINTIFFS
and BROCADE COMMUN SYSTEMS, INC.,	ICATIONS	
Nominal Defendant.		
AMENDED STIDIH ATIONI AND D	DOBOSEDI DDETRIAL OR	DER NO. 1 CONSOLIDATING ALL RELATED

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1 2	ROBERT GALLUSCIO, Derivatively On Behalf of BROCADE COMMUNICATIONS SYSTEMS, INC.,	Civil Action No.: C05-02235 CRB
3	Plaintiff,	
4	vs.	
5	GREGORY L. REYES, et al.	
6	Defendants,	
7	and BROCADE COMMUNICATIONS SYSTEMS, INC.,	
8	STOTEMO, INC.,	
9	Nominal Defendant.	
10	WILLIAM PRATT, Derivatively On Behalf of	Civil Action No.: C05-02372 CRB
11	BROCADE COMMUNICATIONS SYSTEMS, INC.,	CIVII ACHOR NO.: C03-023/2 CRB
12	Plaintiff,	
13	vs.	
14	GREGORY L. REYES, et al.	
15	Defendants,	
16	and BROCADE COMMUNICATIONS	
17	SYSTEMS, INC.,	
18	Nominal Defendant.	
19	ANJANI K. JHA, Derivatively On Behalf of BROCADE COMMUNICATIONS SYSTEMS, INC.,	Civil Action No.: C05-02652 CRB
20	Plaintiff,	
21		
22	VS.	
23	GREGORY L. REYES, et al.	
24	Defendants,	
25	and BROCADE COMMUNICATIONS SYSTEMS, INC.,	
26	Nominal Defendant.	
27		
28		

AMENDED STIPULATION AND [PROPOSED] PRETRIAL ORDER NO. 1 CONSOLIDATING ALL RELATED SHAREHOLDER DERIVATIVE ACTIONS AND APPOINTING LEADERSHIP STRUCTURE FOR PLAINTIFFS CASE NO. C05-02233 CRB

STIPULATION

WHEREAS this Court has ordered the following shareholder derivative cases be related:

Case Name	Case No.	Date Action Filed
Knee v. Reyes, et al.	C05-02233 CRB	June 1, 2005
Galluscio v. Reyes, et al.	C05-02235 CRB	June 2, 2005
Pratt v. Reyes, et al.	C05-02372 CRB	June 10, 2005
Jha v. Reyes, et al.	C05-2652 CRB	June 28, 2005

WHEREAS, the Court has not yet consolidated these actions or appointed Lead Counsel;

WHEREAS, the parties in the Shareholder Derivative Actions desire consistent rulings and decisions and to avoid unnecessary duplication of effort, and therefore agree that the Shareholder Derivative Actions should be consolidated with one another;

IT IS HEREBY STIPULATED AND AGREED by and between undersigned counsel that, subject to the approval of this Court:

I. CONSOLIDATION

1. The above-captioned actions and all other cases that relate to the same subject matter that are subsequently filed in or transferred to this Court are hereby consolidated into one action (hereinafter, the "Consolidated Action") for all purposes, pursuant to Fed. R. Civ. P. 42. This Order (the "Order") shall apply as specified to the Consolidated Action and to each case that relates to the same subject matter that is subsequently filed in this Court or transferred to this Court and is consolidated with the Consolidated Action.

II. MASTER DOCKET AND MASTER FILES

- 2. A Master File is hereby established for this proceeding. The Master File shall be Case No. C05-02233 CRB. The Clerk shall file all pleadings in the Master File and note such filings on the Master Docket.
 - 3. An original of this Order shall be filed by the Clerk in the Master File.
 - 4. The clerk shall mail a copy of this Order to counsel of record in the Consolidated

1 Action. 2 III. CAPTION OF THE CASE 3 5. Every pleading filed in the Consolidated Action, or in any separate action included 4 herein, shall be the following caption: 5 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 6 SAN FRANCISCO DIVISION 7 IN RE BROCADE COMMUNICATIONS Lead Civil Action No. C05-02233 CRB SYSTEMS, INC. DERIVATIVE LITIGATION 8 This Document Relates to: 9 **ALL ACTIONS** 10 IV. NEWLY-FILED OR TRANSFERRED ACTIONS 11 6. When a case which properly belongs as part of the Consolidated Action is hereafter 12 filed in the Court or transferred here from another court, this Court requests the assistance of 13 counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that 14 might properly be consolidated as part of In re Brocade Communications Systems, Inc. Derivative 15 Litigation, Lead Civil Action No. C05-02233 CRB, and counsel are to assist in assuring that 16 counsel in subsequent actions receive notice of this Order. 17 V. LEAD PLAINTIFFS 18 7. Co-Lead Plaintiffs in this Consolidated Action are: Stephen Knee, Robert Galluscio, 19 William Pratt and Anjani K. Jha. 20 VI. ORGANIZATION OF PLAINTIFFS' COUNSEL 21 8. Co-Lead Counsel for Plaintiffs for the conduct of this Consolidated Action are: 22 FARUQI & FARUQI, LLP 23 NADEEM FARUQI 320 East 39th Street 24 New York, NY 10016 Telephone: (212) 983-9330 25 Facsimile: (212) 983-9331 26 FEDERMAN & SHERWOOD WILLIAM B. FEDERMAN 27 120 N. Robinson, Suite 2720 Oklahoma City, OK 73102 28

AMENDED STIPULATION AND [PROPOSED] PRETRIAL ORDER NO. 1 CONSOLIDATING ALL RELATED SHAREHOLDER DERIVATIVE ACTIONS AND APPOINTING LEADERSHIP STRUCTURE FOR PLAINTIFFS CASE NO. C05-02233 CRB

Telephone: (405) 235-1560 Facsimile: (405) 239-2112

- 9. Co-Lead Counsel shall have authority to speak for plaintiffs in matters regarding pre-trial procedure, trial and settlement negotiations and shall make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.
- 10. Co-Lead Counsel shall be responsible for coordinating all activities and appearances on behalf of plaintiffs and for the dissemination of notices and orders of this Court. No motion, request for discovery, or other pre-trial or trial proceedings shall be initiated or filed by any plaintiffs except through Co-Lead Counsel.
- 11. Co-Lead Counsel shall also be available and responsible for communications to and from this Court, including distributing orders and other directions from the Court to counsel. Co-Lead Counsel shall be responsible for creating and maintaining a master service list of all parties and their respective counsel.
- 12. Defendants' counsel may rely upon all agreements made with any of Co-Lead Counsel, or other duly authorized representative of Co-Lead Counsel, and such agreements shall be binding on plaintiffs.
 - 13. Co-Liaison Counsel for Plaintiffs for the conduct of this Consolidated Action are:

BRAMSON, PLUTZIK, MAHLER & BIRKHAEUSER, LLP

Alan R. Plutzik
2125 Oak Grove Road, Suite 120
Walnut Creek, CA 94598
Telephone: (925) 945-0200
Facsimile: (925) 945-8792

MARY ALEXANDER & ASSOCIATES

Mary Alexander
44 Montgomery Street, Suite 1303
San Francisco, CA 94104
Telephone: (415) 433-4440
Facsimile: (415) 433-5440

14. Plaintiffs' Liaison Counsel shall be available for communications by plaintiffs to and from this Court, including distributing orders and other directions from the Court to plaintiffs' counsel. Plaintiffs' Liaison Counsel shall be responsible for creating and maintaining a master

1	service list of all parties and their respective counsel.		
2	15. The Case Management Conference scheduled for August 19, 2005 is postponed and		
3	will be rescheduled after the selection of Lead Counsel in these derivative actions.		
4	16. Defendants are not obligated to respond to any of the currently filed derivative		
5	action complaints and shall respond only to a Consolidated Amended Complaint.		
6	17. Plaintiffs shall file a consolidated complaint no later than thirty (30) days from the		
7	entry of this order.		
8	IT IS H	EREBY STIPU	LATED AND AGREED TO:
9	Dated: Augus	t 15, 2005	FARUQI & FARUQI, LLOP
10			
11			/s/Nadeem Faruqi
12			Nadeem Faruqi Attorneys for Plaintiffs Knee and Galluscio
13	Dated: Augus	t 15, 2005	FEDERMAN & SHERWOOD
14			
15			/s/William B. Federman
16			William B. Federman Attorneys for Plaintiffs Pratt and Jha
17	Dated: Augus	t 15, 2005	BRAMSON, PLUTZIK, MAHLER & BIRKHAEUSER, LLP
18			
19,			/s/Kathryn A. Schofield
20			Kathryn A. Schofield Attorneys for Plaintiffs Knee and Galluscio
21	Dated: Augus	t 15, 2005	MARY ALEXANDER & ASSOCIATES
22			
23			/s/Mary Alexander
24			Mary Alexander Attorney for Plaintiffs Pratt and Jha
25			
26			
27			
28			

Dated:	August 15, 2005	PROSKAUER ROSE LLP
		/s/Richard Marmaro
		Richard Marmaro Attorneys for Defendant Gregory L. Reyes
Dated:	August 15, 2005	WILSON SONSINI GOODRICH & ROSATI, P.C.
		/s/Caz Hashemi Caz Hashemi
		Attorneys for all other Defendants
	ATTESTATIO	ON PURSUANT TO GENERAL ORDER 45
	I, Kathryn A. Schofield, a	ttest that concurrence in the filing of this document has been
obtaine	ed from each of the other s	ignatories. I declare under penalty of perjury under the laws of
the Un	ited States of America that	the foregoing is true and correct. Executed this 15 day of
August	2005 at Walnut Creek, Ca	alifornia.
		/s/Kathryn A. Schofield Kathryn A. Schofield
	•	
	•	
	The same of the sa	POSED] PRETRIAL ORDER NO. 1 CONSOLIDATING ALL RELATED

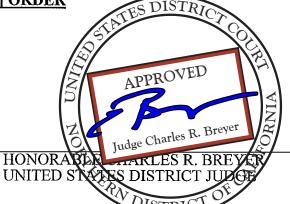
AMENDED STIPULATION AND [PROPOSED] PRETRIAL ORDER NO. 1 CONSOLIDATING ALL RELATED SHAREHOLDER DERIVATIVE ACTIONS AND APPOINTING LEADERSHIP STRUCTURE FOR PLAINTIFFS CASE NO. C05-02233 CRB

6

PROPOSED ORDER

IT IS SO ORDERED.

This 19 day of August, 2005.



AMENDED STIPULATION AND [PROPOSED] PRETRIAL ORDER NO. 1 CONSOLIDATING ALL RELATED SHAREHOLDER DERIVATIVE ACTIONS AND APPOINTING LEADERSHIP STRUCTURE FOR PLAINTIFFS CASE NO. C05-02233 CRB